

MINUTES
TENNESSEE BOARD OF DISPENSING OPTICIANS

Date: March 31, 2004

Time: 9:00 a.m., CST

Location: Cumberland Room
Ground Floor, Cordell Hull Building
425 Fifth Avenue, North
Nashville, TN 37247

Board Members

Present: Kelly Godsey, Chair
Kathy Hawkins, Secretary
Happy Moyer
Edward Risby
Peggy Hannah
Felda Stacey

Staff

Present: Sheila Bush, Board Administrator
Joan Burk, Board Administrator
Nicole Armstrong, Advisory Attorney
Barbara Maxwell, Administrative Director

The board meeting was called to order at 11:30 a.m., on March 31, 2004. A sufficient number of board members were present to constitute a quorum. Mr. Godsey welcomed the visitors in the audience to the board meeting.

Review and approve Minutes

Upon review of the January 14, 2004 minutes, Ms. Stacey made a motion, seconded by Ms. Hannah, to approve the minutes upon corrected. The motion carried.

Conflict of Interest Policy

Ms. Armstrong discussed the Conflict of Interest Policy with the board reminding the members to disclose any conflicts of interest they may have, including sitting in on a case where a member would feel biased, either against the complainant or the state.

Office of General Counsel Report

Ms. Armstrong stated the amendments to Rule 0480-1-.14 which limits the time an individual can remain in the apprenticeship program, and Rule 0480-1-.15 regarding orders of modification and

compliance and personal appearances by disciplined licensees are in OGC for review. Ms. Armstrong said a rulemaking hearing is scheduled for May 13, 2004 regarding Rule 0480-1-.12 regarding CE provider documentation of pending and/or ABO/NCLE approval.

Ms. Armstrong said there are five open files in OGC and there are no cases scheduled for presentation at today's meeting.

Investigative Report

Ms. Bush reviewed the investigative report with the board stating there are two (2) complaints in Investigations pertaining to dispensing opticians.

Disciplinary Report

Ms. Bush said there is one dispensing optician being monitored. Ms. Armstrong said the dispensing optician would have to appear before the board before reinstatement of his license if so designated in the order.

Financial Report

Ms. Bush reviewed the financial report with the board stating the board has assets totaling \$151,267.

Administrative Report

Ms. Bush said there are 819 active, 175 retired and 339 failed to renew dispensing opticians. Ms. Bush said the administrative staff conducted a 100% continuing education audit for the board. Ms. Bush said a board consultant will review the continuing education and make recommendations to the board for those not in compliance with the continuing education requirements.

Mr. Godsey asked when the report would be ready for the board's review. Ms. Burk said the audit is 60 to 70% complete and hopefully it will be ready by the next board meeting.

Discuss and consider changes to the practical examination procedures

Mr. Godsey asked if the board has the ability to change the practical examination. Ms. Armstrong stated the practice act says the board shall adopt the character and nature of the examination. Ms. Armstrong said the board has two options: One, if a third party conducts the examination the rules would be amended and the board would enter into a contract; or, two, the board can enter into a no cost contract. Ms. Armstrong said if the board administered the test and used an outside vendor they would still be required to have a contract.

Ms. Hannah asked if the board would receive more than just one proposal. Mr. Godsey said the board cannot make a decision based on one proposal and the board needs to decide if they want to get out of the testing business, or amend the current examination. Mr. Godsey asked Mr. Ferguson to discuss his examination procedures with the board.

Mr. Ferguson distributed paperwork consisting of a few question contents of the examination which explain the basis of the test questions and copy of the actual tests. Mr. Ferguson said the test is designed on the test outline of the ABO/NCLE, is a forty (40) question test, and takes fifty (50) minutes to complete at a cost of \$225 to the applicant. Mr. Ferguson said the last five questions in the examination are for boards to go beyond the practical content of the examination. Mr. Ferguson said the examination is not complicated and cover daily functions in an optical setting. Mr. Ferguson said he grades the examination and non-optical proctors give the examination.

Mr. Ferguson stated he also designed examinations for Massachusetts and Rhode Island and recently redid the North Carolina examination at a cost of \$2,400.

Mr. Godsey thanked Mr. Ferguson for his report and asked that this issue be sunshined for the next meeting in order to obtain additional information.

Discuss and consider ratification of new licensees, reinstatements, individual continuing education provider requests, continuing education waivers and correspondence

Ms. Moyer made a motion, seconded by Ms. Stacey, to ratify the following dispensing optician's licenses:

Sharon T. Kestner, DOP
Ronald Earl White, DOP.

The motion carried.

Ms. Moyer made a motion, seconded by Ms. Hannah, to ratify the following reinstated dispensing optician's licenses: Ms. Bush asked that **John Norton** and **R. Timothy Mayo** be added to the list.

Stacy C. Burton, DPO
Michael J. Gronda, DPO
Mary A. Hale, DPO
Kristie D. Langley, DPO
Melinda S. Ronsethal, DPO
Debbie Ross, DPO
Gena A. Stallings, DPO
John Norton, DPO
R. Timothy Mayo, DPO

The motion carried.

Ms. Bush distributed five continuing education courses for the board to review and approve. Mr. Godsey asked Ms. Armstrong what action the board should take regarding hours pending ABO/NCLE approval. Ms. Armstrong said that applications pending ABO/NCLE approval can be reviewed and approved by the board whether or not approved by ABO/NCLE.

Ms. Moyer made a motion, seconded by Ms. Hannah, to deny the continuing education course offered by the Contact Lens Society of America as the request was not received thirty (30) days prior to the course date. Ms. Moyer said the request was received January 13, 2004 and the course was given January 21-25, 2004. The motion carried.

Ms. Hawkins made a motion, seconded by Ms. Moyer, to approve the continuing education courses offered by Vision Expo on March 25 – 28, 2004. The motion carried.

Mr. Godsey made a motion, seconded by Ms. Moyer, to approve the continuing education course offered by the Tennessee Dispensing Opticians Association (TDOA) state convention May 15-16, 2004. The motion carried.

Ms. Hawkins asked the board if the TDOA should contact the board when the ABO/NCLE or TDOA approves the courses. Mr. Godsey said yes they should notify the board.

Ms. Stacey made a motion, seconded by Mr. Risby, to approve the continuing education course offered by CEDO on May 16, 2004. The motion carried.

Ms. Hannah made a motion, seconded by Ms. Stacey, to deny the continuing education course offered by Professional Opticians of Florida as the request was not received thirty (30) days prior to the course date. Ms. Hannah said the request was received February 3, 2004 and the course was given February 20-21, 2004. The motion carried.

Mr. Godsey asked if the board could attend continuing education courses for the purpose of inspecting the hours to make sure they are on site hours. Ms. Armstrong said the board doesn't have the contingency to review the continuing education courses.

Ms. Moyer requested that the continuing education courses approved by the board be posted at the board's website. Ms. Armstrong said the administrative staff doesn't have access to make changes at the website but will see if this can be done by the webmaster.

Ms. Moyer stated the Tennessee Lions Eye Center has a vision screening program which goes to day care centers to conduct vision screening on children. Ms. Moyer said the program began in 1997 and is very rewarding. Ms. Moyer distributed brochures and encouraged the board members and their colleagues to get involved in the program.

Mr. Risby said he is attending the April 13, 2004 board member training.

Ms. Stacey and the board thanked Sheila for her hard work.

With no other board business to conduct Ms. Moyer made a motion, seconded by Ms. Stacey to adjourn at 1:05 p.m., March 31, 2004. The motion carried.

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